

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

CASE NO: 15-30610

Augustus Montgomery
Michelle Lynn Davenport-Montgomery

SSN# : XXX-XX-1288 DEBTORS
SSN# : XXX-XX-7174

MOTION OF TRUSTEE TO DISMISS CASE
OR TO MODIFY PLAN

The undersigned Trustee in the above-referenced Chapter 13 case hereby moves the Court to dismiss the case, or to modify the plan in such a manner as the Court deems necessary and appropriate, for the following reason(s):

Green Tree Servicing LLC filed a Notice of Payment Change, substantially increasing the monthly conduit payment to \$2,015.96 beginning on 04/01/2017, due to an adjustment in the interest rate. Green Tree Servicing LLC filed another Notice of Payment Change, substantially increasing the monthly conduit payment to \$2,059.25 beginning on 08/01/2017, due to the assertion of an escrow shortage. Additionally, Green Tree Servicing LLC filed a pre -petition arrears claim of \$7,176.09. Said amount is substantially higher than scheduled.

***The above referenced mortgage arrearage claim amount includes three (3) administrative post-petition payments.**

A Preliminary Hearing will be held on this motion as shown on the attached Notice, at which the Trustee will recommend to the Court to grant a variety of relief options in this case, including but not limited to dismissing the case, extending or reducing the term of the plan, reducing or increasing the plan payment, reducing the percentage paid to unsecured creditors, granting a moratorium on missed payments, granting a hardship discharge, modifying the plan to the payments made so far, allowing for a fee to the debtor's attorney for representation at the hearing, or granting any other such relief which the Court determines to be necessary and appropriate.

Dated: July 18, 2017

Warren L. Tadlock
Standing Chapter 13 Trustee
5970 Fairview Road, Suite 650
Charlotte, NC 28210-2100

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

CASE NO: 15-30610

Augustus Montgomery
Michelle Lynn Davenport-Montgomery

SSN# : XXX-XX-1288 DEBTORS
SSN# : XXX-XX-7174

NOTICE OF MOTION OF TRUSTEE TO DISMISS CASE OR TO MODIFY PLAN

The Chapter 13 Trustee has filed papers in the bankruptcy case for the DEBTORS named above to dismiss the case or to modify the plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested by the Trustee in the motion, or if you want the Court to consider your views on this motion, then you or your attorney must file with the Court a written response to the motion by August 11, 2017 at the following address:

CLERK, U.S. BANKRUPTCY COURT
401 W TRADE ST.
CHARLOTTE, NC 28202

If you **mail** your response to the Court for filing, you must mail it early enough for the Court to **receive** it on or before the deadline stated above.

A Preliminary Hearing will be held on the Trustee's motion on **August 16, 2017 at 2:20 pm** at the following address:

OFFICE OF THE CHAPTER 13 TRUSTEE
5970 FAIRVIEW ROAD
SUITE 650
CHARLOTTE, NC 28210-2100

If you oppose the relief sought in the Trustee's motion, you must attend the Preliminary Hearing. Failure to attend the Preliminary Hearing and to otherwise respond to the motion may result in the Court granting the relief sought. If a response is made and the motion is not resolved by consent at the Preliminary Hearing, a hearing before the Court will be scheduled.

Dated: July 18, 2017

Warren L. Tadlock
Standing Chapter 13 Trustee
5970 Fairview Road, Suite 650
Charlotte, NC 28210-2100

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

Augustus Montgomery
Michelle Lynn Davenport-Montgomery

CASE NO: 15-30610

SSN# : XXX-XX-1288 DEBTORS
SSN# : XXX-XX-7174

CERTIFICATE OF SERVICE

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on 7/21/2017.

L. Pascal
Office of the Chapter 13 Trustee

ALLY FINANCIAL INC, PO BOX 130424, ROSEVILLE, MN 55113
Augustus Montgomery, Michelle Lynn Davenport-Montgomery, 9848 Flower Bonnet Avenue NW, Concord, NC 28027
BANK OF AMERICA NA, PO BOX 660933, DALLAS, TX 75266
BANK OF AMERICA, PO BOX 5170, SANTA CRUZ, CA 95062
BANK OF AMERICA, PO BOX 982235, EL PASO, TX 79998
BROCK & SCOTT PLLC, 5121 PARKWAY PLAZA DR STE 300, CHARLOTTE, NC 28217
CABARRUS COUNTY TAX COLLECTOR, 65 CHURCH STREET SOUTHEAST, CONCORD, NC 28025
CARMAX BUSINESS SERVICES LLC, PO BOX 440609, KENNESAW, GA 30160
CAZZIE CASTRO, 9899 FERN DANCER COURT, CONCORD, NC 28027
CHARLES A GIOINO, STERN LAVINTHAL & FRANKENBURG LLC, 105 EISENHOWER PKWY SUITE 302, ROSELAND, NJ 07068
CITIBANK, PO BOX 6034, SIOUX FALLS, SD 57117
CITY OF PATERSON, PASSAIC COUNTY TAX COLLECTOR, 155 MARKET STREET, PATERSON, NJ 07501
ECAST SETTLEMENT CORPORATION, PO BOX 29262, NEW YORK, NY 10087
FEDERAL NATIONAL MORTGAGE ASSOCIATION, PO BOX 1047, HARTFORD, CT 06143-1047
FIRST BANK, 600 JAMES S MCDONNELL BLVD, HAZELWOOD, MO 63042
FIRST BANK, ATTN: WAYNE BALLENGER, 11901 OLIVE BLVD, ST LOUIS, MO 63141
GREEN TREE SERVICING LLC, PO BOX 0049, PALATINE, IL 60055
GREEN TREE SERVICING LLC, PO BOX 6154, RAPID CITY, SD 57709
HOME DEPOT, CITICORP CREDIT SERVICES, CENTRALIZED BANKRUPTCY, PO BOX 2050, KANSAS CITY, MO 64195
JOHN SUANI, 209 UNION AVE, PATERSON, NJ 07502
LEGACY VILLAGE LLC, 8832 BLAKENEY PROFESSIONAL DR STE 205, CHARLOTTE, NC 28277
LINDA DAVENPORT WOOD, C/O DENISE CASTRO, 140 WARD ST APT C2, PATERSON, NJ 07501
LOTTIE DAVENPORT MAYO, 33 MYRTLE WOOD LANE, WILLINGBORO, NJ 08046
MARKS & KLEIN LLP, 63 RIVERSIDE AVE, RED BANK, NJ 07701
MCCABE RABIN, CENTURION TOWER, 1601 FORUM PLACE SUITE 505, WEST PALM BEACH, FL 33401
MICHAEL SHAFIR ESQ, VICE-PRESIDENT AND GENERAL COUNSEL, THE LEARNING EXPERIENCE, 4855 TECHNOLOGY WAY SUITE 700, BOCA RATON, FL 33431
MIDLAND CREDIT MANAGEMENT, PO BOX 603 DEPT 12421, OAKS, PA 19456
MIDLAND CREDIT MANAGEMENT, PO BOX 60578, LOS ANGELES, CA 90060
MOORE & VAN ALLEN PLLC, BANK OF AMERICA CORPORATE CENTER, 100 N TRYON STREET STE 4700, CHARLOTTE, NC 28202
ORANGE LAKE RESORT AND COUNTRY, 8505 W IRLO BRONSON MEMORIAL, KISSIMMEE, FL 34747
PATRICIA CEBOLLERO, 33 MYRTLE WOOD LANE, WILLINGBORO, NJ 08046
RAYBURN COOPER & DURHAM PA, THE CARILLON, STE 1200, 227 W TRADE STREET, CHARLOTTE, NC 28202
SHAPIRO & INGLE LLP, 10130 PERIMETER PARKWAY SUITE 400, CHARLOTTE, NC 28216
STRATEGIC FUNDING SOURCE INC, 120 W 45TH ST 2ND FLOOR, NEW YORK, NY 10036
SYCO CHARLOTTE LLC, 4500 CORPORATE DRIVE NW, CONCORD, NC 28027
THE LEARNING EXPERIENCE CORP, 4855 TECHNOLOGY WAY SUITE 700, BOCA RATON, FL 33431
THE LEARNING EXPERIENCE HOLDING CO, C/O MICHAEL PIKE, 2465 MERCER AVE SUITE 204, WEST PALM BEACH, FL 33401
THE LEARNING EXPERIENCE SYSTEMS LLC, F/K/A THE LEARNING EXPERIENCE FRANCHISE, C/O MICHAEL PIKE, 2465 MERCER AVE SUITE 204, WEST PALM BEACH, FL 33401
US BANK / FIRSTAR CARD SERV, BANKRUPTCY RECOVERY DEPT, PO BOX 5229, CINCINNATI, OH 45201
WELLS FARGO BANK NA, WELLS FARGO EDUCATION FINANCIAL SERVICES, 301 E 58TH STREET N, SIOUX FALLS, SD 57104
WORLD OMNI FINANCIAL CORP, C/O WELTMAN WEINBERG & REIS CO LPA, 323 W LAKESIDE AVE 2ND FL, CLEVELAND, OH 44113
WORLD OMNI FINANCIAL CORP, PO BOX 991817, MOBILE, AL 36691

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

CASE NO: 15-30610

Augustus Montgomery
Michelle Lynn Davenport-Montgomery

SSN# : XXX-XX-1288 DEBTORS
SSN# : XXX-XX-7174

Total Served:42